REMARKS

The above amendments and following remarks are made in response to the Final Office action of January 8, 2009. The Examiner's reconsideration is respectfully requested in view of the same. No new matter has been added and remarks have been made for purposes of clarifying the claimed invention.

The Applicants thank the Examiner for the indication that claim 36 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claims 5 and 5 have been amended to incorporate the allowable subject matter indicated with respect to claim 36, thus claim 36 has been canceled. Claims 1-4, 7 and 33-35 have been previously cancelled without prejudice. Claims 8-32 have been previously withdrawn from consideration. Claims 5, 6 and 37-40 are pending in the present application for consideration on the merits. No new matter has been added.

Claim Rejections Under 35 U.S.C. § 102

In order to anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert denied*, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1274 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Claims 5, 37 and 38

Claims 5, 37 and 38 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Jones, et al. (U.S. Patent No5,953,091, hereinafter "Jones"). The

Examiner states that Jones discloses all of the elements of the abovementioned claims, primarily in FIG. 2, column 10, lines 51-52, column 12, lines 11-17, column 13, line 12, and column 14, lines 44-47 and 55-57.

Jones discloses a multi-domain liquid crystal display ("LCD") and a method of making the same, wherein the LCD includes a first transparent substrate 65, a second transparent substrate 43 facing the first substrate, a liquid crystal layer 5 interposed between the first and second transparent substrates 65 and 43, a color filter layer including red, green and blue color filters 335, 37 and 39, respectively, disposed on the second transparent substrate 43, a retardation layer 77 having a cholesteric liquid crystal material disposed on the color filter layer 35, 37 and 39, the retardation layer 77 being configured to be cured by an ultraviolet ("UV") light. (See FIG. 2, column 10, lines 51-52, column 12, lines 11-17, column 13, line 12, and column 14, lines 44-47 and 55-57).

Claims 5 and 6 have been amended to include the allowable subject matter indicated with respect to claim 36, thus rendering the above rejection moot.

Thus, claims 5 and 6 are believed to be patentably distinct and not anticipated by Jones. Claims 37 and 38 depend directly from claim 5, and thus include all of the limitations of claim 5. It is thus believed that the dependent claims are allowable for at least the reasons given for independent claim 5, which is believed to be allowable.

Accordingly, Applicants respectfully request reconsideration of the rejection of claims 5, 37 and 38 under 35 U.S.C. § 102 with respect to Jones.

Rejections Under 35 U.S.C. § 103

In order for an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all of the elements of the invention are disclosed in the prior art and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. See MPEP 2143.

Claims 6, 39 and 40

Claims 6, 39 and 40 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Jones in view of Kaganowicz (U.S. Patent No. 5,011,268, hereinafter "Kaganowicz") for the reasons stated on pages 4 and 5 of the present Final Office action. Specifically, the Examiner states that Jones discloses all of the elements of the abovementioned claims except, *the alignment layer is made of an inorganic material*, which the Examiner states is disclosed primarily in column 3, liens 22-40 of Kaganowicz. Applicants respectfully traverse the rejections for at least the reasons stated below.

As discussed above, claim 6 has been amended to include the allowable subject matter indicated with respect to claim 36, thus rendering the above rejection moot.

In particular, a combination of Jones and Kaganowicz does not teach or disclose "*a single retardation layer having a cholesteric liquid crystal material disposed having a substantially uniform thickness on substantially the entire color filter layer, the retardation layer being configured to be coated on the color filter layer via micro gravure coating*" as recited in amended claim 6. Therefore, we are of the opinion that the amended claim 6 is not anticipated by Jones and Kaganowicz. In addition, claims 39 and 40 are dependent from the amended claim 6, so that claims 39 and 40 would also be patentable at least for the same reason.

Thus, it is respectfully submitted that independent claim 6, including claims depending therefrom, i.e., claims 39 and 40, are patentable over Jones in view of Kaganowicz.

Accordingly, it is respectfully requested that the rejection to claim 6, 39 and 40 under § 103(a) be withdrawn.

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

Applicants hereby petition for any necessary extension of time required under 37 C.F.R. 1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By /James J. Merrick/

James J. Merrick
Reg. No. 43,801
John W. Stankiewicz
Reg. No. 60,169
Confirmation No. 4849
Cantor Colburn LLP
20 Church Street 22nd Floor
Hartford, CT 06103
PTO Customer No. 23413
Telephone: (860) 286-2929
Fax: (860) 286-0115

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